?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 31.10.2018

*CORAM

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

+W.P.(MD)No.21324 of 2018
and
W.M.P.(MD)No.19193 of 2018

#M.Manjunathan
... Petitioner
Vs.

$1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvaraya Naicker Maligai,
Anna Salai,
Chennai 600 002.

2.The Chairman,
Recruitment Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai 600 008.

3.The Chairman,
Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District.
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned disqualification order passed by the third respondent through C.No.R2/5474/2018, dated 05.09.2018 (enrolment No.2505468), quash the same as illegal and consequently, direct the third respondent to conduct physical efficiency test long jump once again by considering the video footage at the time of long jump held on 05.09.2018 to the petitioner based on his representation dated 22.09.2018 and further direct the third respondent to allow the petitioner to participate in other test of selection process for appointment for the post of grade II Police Constable / Grade II Jail Warden and Fireman conducted pursuant to the notification bearing exam index No.2 and advertisement No.217 issued by the first respondent within a time frame.

!For Petitioner : Mr.R.Santhanam
^For Respondents : Mr.K.Chellapandian, AAG assisted by

Mr.A.K.Baskarapandian, Spl.G.P.

:ORDER

The petitioner has come forward with the present Writ petition to quash the impugned disqualification order passed by the third respondent through C.No.R2/5474/2018, dated 05.09.2018 (enrolment No.2505468) as illegal and consequently, direct the third respondent to conduct physical efficiency test viz., long jump once again by considering the video footage at the time of long jump held on 05.09.2018 to the petitioner and based on his representation dated 22.09.2018 and further direct the third respondent to allow him to participate in other test of selection process for appointment to the post of Grade~II Police Constable / Grade~II Jail Warden and Fireman conducted pursuant to the notification bearing Exam Index No.2 and Advertisement No.217 issued by the first respondent within a time frame.

2.The case of the petitioner is that in long jump, he has been given only one chance and the second chance was not denied to him. Even though the petitioner has cleared the other tests conducted for getting appointment in Uniformed Services, he has been disqualified in the long jump and hence, he should be given another chance. Since the action of the respondents in not granting the benefit to him and the rejection of the petitioner?s candidature was held to be illegal. Therefore, the disqualification order passed by the third respondent dated 05.09.2018 had got to be interfered with by this Court and hence, there shall be a physical efficiency test for long jump have to be conducted once again.

3.The learned Additional Advocate General appearing for the respondents would submit that the contention of the petitioner is incorrect as he was given two chances in long jump and he made foul in his attempt and therefore, the case of the petitioner would not be considered once again.

4.A video~footage was produced before this Court, which would make very clear that the petitioner was given two chances. Hence, this Court is not inclined to grant one more chance to him. If this Writ petition is allowed, certainly the other candidates, who are similar placed persons, not only in long jump but also in other physically efficiency test, may approach this Court and it will amount to opening a pandora~box. As the petitioner has been given two chances in the physically efficiency test viz., long jump and he did foul in the said test, the impugned disqualification order is perfectly in order.

5.In view of the above, the relief sought for by the petitioner cannot be granted. Accordingly, this Writ petition is dismissed. Consequently, connected W.M.P.is closed. No costs.

To
1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T.Lee Chengalvaraya Naicker Maligai,

Anna Salai,
Chennai 600 002.

2.The Chairman,
Recruitment Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai 600 008.

3.The Chairman,
Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Virudhunagar District.